IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.1088 of 2006
In
Criminal Appeal No.1122 of 2002

Nana Dashrath Marsale — Applicant
Vs.
State of Maharashtra — Respondent

Mr.S.M.Gorwadkar for applicant.
Mr.K.V.Saste, APP for State.

CORAM: B.H.MARLAPALLE & R.S. MOHITE, JJ.

February 05, 2007.

P.C.

. Heard Mr.Gorwadkar, the learned counsel for the applicant who has filed Criminal Appeal No.1122 of 2002 against the order of conviction and sentence for the offence punishable under Section 302 of IPC. The said appeal was decided and dismissed on merits by this Court on 22/8/2006 after seeing the record but in the absence of the learned counsel for the appellant.

. As the appeal has been decided on merits, there is no question of restoration of the said appeal or recall of the order dated 22/8/2006 which will virtually amount to the review of the said order which is not permissible in the criminal jurisprudence. We are not convinced with the request

made by Mr.Gorwadkar to modify the order dated 22/8/2006 to say that the appeal was dismissed in default.

. Hence the application is rejected.

(R.S.MOHITE,J.) (B.H.MARLAPALLE,J.)